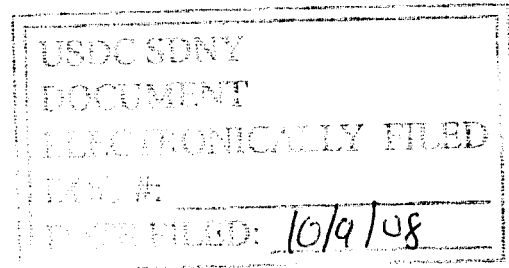


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
ANNETTE SMITH,

Plaintiff,

-against-

NATIONAL BASKETBALL  
ASSOCIATION INC. and BERNARD  
TOLBERT,

Defendants.  
----- X

08 Civ. 7888 (WHP)

ORDER FOR INITIAL  
PRETRIAL CONFERENCE

WILLIAM H. PAULEY III, District Judge:

This action has been assigned to District Judge William H. Pauley III for all purposes. Counsel are directed to appear in Courtroom 11D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York on January 16, 2009 at 10:30 a.m. for an initial pretrial conference with the Court for the purpose of discussing settlement, exploring contemplated motions, stipulating facts, narrowing issues, fixing a discovery schedule, and setting a date for trial. If you are proceeding pro se (without an attorney), you are required to appear personally at this conference.

Counsel are further directed to confer with each other prior to the conference regarding all of the subjects to be considered pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and to file a written report outlining their discovery plan pursuant to that Rule. The written report must be filed at least seven (7) days prior to the initial pretrial conference with the Court. The parties shall send courtesy copies of that report and all pleadings to the United States Courthouse, Chambers 2210, 500 Pearl Street, New York, New York, 10007.

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is received by Chambers prior to the date of the conference.

All conferences with the Court are scheduled for a specific time. There is no other matter scheduled for that time, and counsel are directed to appear promptly.

Requests for adjournment may be made only in a writing received not later than two business days before the conference. The written submission must: (a) specify the reasons for the adjournment; (b) state whether the other parties have consented; and (c) indicate times and dates on succeeding Fridays when all counsel are available. Unless counsel are notified that the conference has been adjourned it will be held as scheduled.

All subsequent Orders of this Court shall be issued through the Southern District of New York's Electronic Case Filing ("ECF") system. The parties shall file all pleadings electronically via the ECF system, and promptly provide this Court with a complete courtesy copy of the filed papers. All counsel shall register as filing users in accordance with the Southern District's Procedures for Electronic Case Filing at least seven (7) days prior to the initial pretrial conference with the Court.

You are directed to: (a) serve copies of this Order upon all attorneys in this action

and any parties who have not appeared through counsel; and (b) retain proof of such service. If you are unaware of the identity of counsel for any of the parties, then send a copy of the notice to that party personally.

Dated:     October 6, 2008  
          New York, New York

SO ORDERED:

  
\_\_\_\_\_  
WILLIAM H. PAULEY III  
U.S.D.J.

*Copy mailed to:*

Derek Todd Smith, Esq.  
Akin & Smith, LLC  
305 Broadway, Suite 1101  
New York, NY 10007  
*Counsel for Plaintiff*